

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-----------------------------|---|-------------------|
| GENE R. ROMERO, et al., | : | |
| | : | |
| Plaintiffs, | : | CIVIL ACTION |
| | : | |
| v. | : | NO. 01-3894 |
| | : | |
| | : | CONSOLIDATED WITH |
| ALLSTATE INSURANCE COMPANY, | : | |
| et al., | : | NO. 01-6764 |
| Defendants. | : | |

ORDER

AND NOW, this 17th day of *March*, 2016, upon consideration of the Romero Plaintiffs' Motion for Reconsideration of the November 12, 2015 Order or, Alternatively, for Certification of Order for Immediate Appeal (Docket No. 789), the McLaughlin and Harris Plaintiffs' Motion for Reconsideration of the November 12, 2015 Order or, Alternatively, for Certification of Order for Immediate Appeal (Docket No. 791); the Consolidated Response of Defendants Allstate Insurance Company, et al. (Docket No. 797), and Plaintiffs' Reply Briefs (Docket Nos. 805 and 806), it is hereby **ORDERED** that both Motions are **GRANTED** as follows:

1. The Court's dismissal of Plaintiffs' state law claims of breach of contract and breach of fiduciary duty on the basis of the tender-back/ratification doctrines is reversed, and those claims shall be reinstated.
2. The remaining grounds raised by Allstate in its Motion to Dismiss, but not previously addressed by the Court (Docket No. 656) are **DENIED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT

J.